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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,869	09/13/2000	Thomas Anthony Stahl	RCA 88761	4062

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,869

Applicant(s)

STAHL ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 02/27/2006 have been fully considered but they are not persuasive.

Applicant argues, "Applicants submit that Ludtke '937 is not a proper prior art reference as to the present application ... applicants submit that Ludtke '937 cannot be applied as a prior art reference against the present applicant" (see Applicant remark, page 2).

In response, the Examiner respectfully disagrees with Applicants because MPEP § 1893.03 (c) clearly states under ***BENEFIT CLAIM UNDER 35USC 119(e), OR 120 AND 365 (c)** that "In order for a national stage application... to obtain benefit under 35U.S.C 119(e) of a prior US provisional application, the national stage application must comply with the requirements set forth in 37 CFR 1.78(a)(4) through 37 CFR 1.78(a)(6)... the national stage application must contain a reference to the provisional application (either in an application data sheet (37 CFR 1.76) OR in the first sentence of the specification), identifying it as a provisional application, and including the provisional application number (series code and serial number). The required reference to the earlier provisional application must be submitted within the time period provided by 37 CFR 1.78(a)(5)(ii). **This time period is not extendable.** >However, if the entire delay, between the date the claim was due under 35 CFR 1.78(a)(5)(ii) and the date of the claim was filed, was unintentional, a petition under 37 CFR 1.78(a)(6) may be filed to accept the delayed claim.<"

As such the examiner maintains the rejection in view of Ludtke '937 and denies the benefit of US provisional 60/059508 filed 09/11/1997 as priority date because the instant national stage application does NOT contain a reference to the provisional application (either in an application data sheet (37 CFR 1.76) **OR** in the first sentence of the specification).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,2, 3, 6, 8, and 11 of U.S. Patent No. 6665020 in view of Ludtke et al (US 65893937).

Claim 1 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of "means for generating, in said peripheral consumer electronic device digital OSD video data representative of an OSD menu that is overlaid onto the

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digital video content prior to being displayed on the display device..." and "means for transferring said digital video content and said digital OSD video data capable of being displayed as separate data via said digital bus to said display device, whereby said digital video content and said digital OSD video data may be subsequently combined and displayed on said display device."

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises means for generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and means for transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 1 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claim s 1 and 2.

Claim 2 corresponds to Patent claim 1 with the additional “wherein the transferring means comprises means for writing via the digital bus the digital OSD video data to a memory device associated with the display device” in which is further met by Ludtke '937 (Col. 11, lines 35-55; Col. 19, lines 20-23).

Claim 3 correspond to Patent claim 3.

Claim 4 correspond to Patent claims 1 and 6.

Claim 5 corresponds to Patent claim 6.

Claim 7 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of “generating, in said peripheral consumer electronic device digital OSD video data representative of an OSD menu that is overlaid onto the digital video content prior to being displayed on the display device...” and “transferring said digital video content and said digital OSD video data capable of being displayed as separate data via said digital bus to said display device, whereby said digital video content and said digital OSD video data may be subsequently combined and displayed on said display device.”

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid

onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus , as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 7 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 1 and 2.

Claim 8 corresponds to Patent claim 1.

Claim 9 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of "generating, in said peripheral consumer electronic device digital OSD video data representative of an OSD menu that is overlaid onto the digital video content prior to being displayed on the display device..." and

"transferring digital video content and said digital video data as separate data via said IEEE-1394."

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus , as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 9 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 1 and 2.

Claim 10 correspond to Patent claim 1.

Claim 11 with additional limitation "wherein the step of transferring the digital video data (OSD) via the serial bus utilizes an isochronous transfer mechanism of the serial bus" correspond to Patent claims 1 and 6.

Claim 12 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of "means for receiving, from said peripheral device, digital video data representative of an OSD menu that is overlayed onto the digital video content prior to being displayed on the display device..." and "means for overlaying and displaying said digital video data onto said digital video content."

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 12 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 1 and 2.

Claim 13 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of ""generating, in said peripheral consumer electronic device digital OSD video data representative of an OSD menu that is overlayed onto the digital video content prior to being displayed on the display device..." and "transferring said digital video data representative of an OSD via said IEEE-1394, the digital video data representative of an OSD menu and the digital video content being transferred as separate data via said IEEE1394..." and "means for overlaying and displaying said digital video data onto said digital video content."

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video

data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus , as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 13 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 1 and 2..

Claim 14 corresponds to patent claims 1, and 2 of U.S. Patent No. 6665020 with the additional limitation of ""means for receiving from said peripheral device digital video data representative of an OSD menu that is overlayed onto the digital video content prior to being displayed on the display device..." and "...the digital video content and the digital video data representative of an OSD menu being received as separate data via said IEEE1394..." and "means for displaying said combined video image."

Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprises generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6665020 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus , as taught by Ludtke' 937, so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Allowance of claim 14 would result in the unwarranted time-use extension of the monopoly granted for the invention as defined in patent claims 1 and 2.

Claim 15 with additional limitation "wherein the digital video content is received from the peripheral device using an isochronous transfer mechanism of said IEEE-1394 serial bus" correspond to Patent claims 1 and 6.

Claim 16 corresponds to Patent claim 1 with the additional "wherein the digital video data representative of the OSD menu is received from the peripheral device using an asynchronous transfer mechanism of said IEEE-1394 " in which is further met by Ludtke '937 (Col. 11, lines 35-55; Col. 19, lines 20-23).

Claim 17 corresponds to Patent claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 6-7 and 11 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ludtke et al. (US 6593937).

Claim 1, Ludtke' 937 discloses a peripheral consumer electronic device (Fig. 3) comprising:

Means for communicating (90) with a display device 62 interconnected by a digital bus;

means for providing digital video content 100;

means for generating 84,76,77,78, in the peripheral consumer electronic device, digital OSD video data representative of an on-screen display menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated with the peripheral consumer electronic device, the digital OSD video data being capable of being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36); and

means for transferring 102 the digital video content and the digital OSD video data capable of being displayed as a separate data via the digital bus 90 (Col. 19, lines 1-7) to the display device 62 whereby the digital video content and the digital OSD video data may be subsequently combined and displayed on the display device (Col. 19, lines 32-36).

Claim 2, Ludtke' 937 further discloses wherein the transferring means comprises means for writing via the digital bus the digital OSD video data to a memory device 78, 64 associated with the display device (Col. 11, lines 35-55; Col. 19, lines 20-23).

Claim 6, Ludtke' 937 further discloses means for processing video data (Col. 18, lines 20-61).

Claim 7 is analyzed with respect to claim 1 in which transferring the digital video data via the serial bus to the display device utilizing an asynchronous transfer mechanism of the serial bus (Ludtke' 937; Col. 11, lines 30-35).

Claim 11, Ludtke' 937 further discloses wherein the step of transferring the digital video data (OSD) via the serial bus utilizes an isochronous transfer mechanism of the serial bus (Col. 11, lines 13-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al. (US 6593937) in view of Ludtke et al. (US 6421069).

Claim 3, Ludtke' 937 does not clearly disclose "a means for navigating the OSD display menu in response to a user initiated command, the navigating means generates updated digital video data in response to the user initiated command and writes the updated digital video data to the memory device, the user initiated command controls operating modes of the peripheral consumer electronic device."

Ludtke' 069 discloses a means for navigating said OSD menu in response to a user initiated command (selecting and dragging the camera 60 into the 1st

subpane 72 as a source device for transmitting data; selecting and dragging the VCR64 into the 2nd subpane 72 as a sink device for transmitting data Col. 9, lines 43-55), said navigating means generates updated digital video data in response to said user initiated command (the 1st subpane 72 is updated with graphical representation 80 and available control functions 81 and 2nd subpane 74 is updated with graphical representation 84 and available control functions 85 in response to the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+); and write the updated digital video data to the memory device (the updated subpane must be stored in the memory buffer of the controlling device), said user initiated command controls operating modes of said peripheral consumer electronic device (Col. 10, lines 2-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 937 with claimed navigation features, as taught by Ludtke' 069, so to provide to user a friendly navigation interface that is presented by GUI information with characteristics of connected devices along with its features capabilities and operation to the users, as suggested by Ludtke' 069 Col. 2, lines 65-Col. 3, lines 2).

Regarding claim 4, Ludtke' 069 further discloses a mapping means for identifying the connectivity of the peripheral consumer electronic device with other devices on the digital bus (Fig. 5, Col. 8, lines 65- Col. 9, lines 35).

Regarding claim 5, Ludtke' 069 further discloses means for receiving characteristic information of each device connected on the digital bus (Col. 9, lines 14-36);

Regarding claim 8, Ludtke' 937 does not clearly disclose "Receiving control information in response to a user initiated command, the control information controlling operating modes of the peripheral device"; "Navigating the menu in the peripheral device in response to the control information"; "Transferring the updated digital data to the display device."

Ludtke' 069 further discloses Receiving control information in response to a user initiated command, the control information controlling operating modes of the peripheral device (Col. 10, lines 2-36); Navigating the menu in the peripheral device in response to the control information (selecting and dragging the camera 60 into the 1st subpane 72 as a source device for transmitting data; selecting and dragging the VCR64 into the 2nd subpane 72 as a sink device for transmitting data Col. 9, lines 43-55), wherein the step of navigating comprises updating the digital data (for each selecting and dragging operation, the 1st and 2nd subpane are updated); and Transferring the updated digital data (the 1st subpane 72 is updated with graphical representation 80 and available control functions 81. 2nd subpane 74 is updated with graphical representation 84 and available control functions 85 in response to the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+) to the display device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 937 with claimed navigation features, as

taught by Ludtke' 069, so to provide to user a friendly navigation interface that is presented by GUI information with characteristics of connected devices along with its features capabilities and operation to the users, as suggested by Ludtke' 069 Col. 2, lines 65-Col. 3, lines 2).

3. Claims 9, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Ludtke et al. (US 6421069) in view of over Ludtke et al. (US 6593937).

Regarding claim 9, Ludtke' 069 discloses a method for controlling a peripheral consumer electronic device interconnected via an IEEE 1394 serial bus to a display device 18/19 (Fig. 1; Col. 1, lines 25-51; Col. 5, lines 35-60) comprises:

Mapping the connectivity of each device on the serial bus (Fig. 5, Col. 8, lines 65- Col. 9, lines 35).

Communicating with the display device 18/19 (Col. 4, lines 48-65+ and Col. 5, lines 35-60) utilizing an asynchronous transfer mechanism of the serial bus (inherently met by IEEE-1394 of utilizing an asynchronous transfer mechanism of the serial bus and controlling the equipments connected to IEEE-1394 serial bus is done by function control protocol (FCP) in which the peripheral device transmits a control command and response by asynchronous packet between devices);

Generating, in the peripheral consumer electronic device, digital video data representative of an OSD menu associated with the peripheral consumer electronic device, digital video data representative of an OSD menu that is overlaid onto the digital video content prior to being displayed on the display device, and associated

with the peripheral consumer electronic device ("Device Image" in Fig. 3, el. 26 which is part of "self-describing information" represents with icons 60, 64, 68 and 69, as "digital OSD video data" inherently overlays onto the digital video content prior to being displayed on the television. The Examiner cites Col. 9, lines 14-19 to support "... the icons are the graphical representations obtained by the computer system 18 from the ROM 20 within each device...". Ludtke' 069 further discloses in one embodiment in which when a (peripheral) device is coupled in a network configuration, which includes only a television 19 without a processor see Col. 7, lines 48-60. In this embodiment, Ludtke' 069 clearly discloses the "Device Image"/self-describing information is in a format (i.e., video) understood by the TV 19 (without a processor) so to be able to display on the TV 19, see Col. 5, lines 3-7, with the less elaborate GUI, i.e., Fig. 5, and through this GUI, the user is then able to control the operation of the device see Col. 5, lines 25-35);

Ludtke' 069 does not clearly disclose transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus.

Ludtke' 937 discloses transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus (Col. 19, lines 1-7) in which the OSD display menu is overlaid onto the video content prior to being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 069 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught

by Ludtke' 937 so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Regarding claim 12, Ludtke' 069 discloses a display device (Fig. 1, el. 18 or 19) comprising:

Means (I/O busses 12, 16 and 17; Fig. 1) for communicating with a peripheral device (to other devices) interconnected by a digital bus (1394 network);

Means (Computer 18 or TV 19) for receiving digital video content;

Means (TV 19 without processor) for receiving, from the peripheral device, digital video data (less elaborate video graphical user interface stored in memory 20, el. 26) representative of an on-screen display menu associated with peripheral device (Col. 7, lines 54-60), the digital data being capable of being displayed (see Fig. 5); and

Means (TV 19) for overlaying and displaying the digital video data onto the digital video content (superimposed over the screen; see Fig. 5-9).

Ludtke' 069 fails to disclose the digital video content and the digital video data are transferring as separate data via the digital bus;

Ludtke' 937 discloses transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus (Col. 19, lines 1-7) in which the OSD display menu is overlaid onto the video content prior to being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 069 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught by Ludtke' 937 so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Regarding claim 13, Ludtke' 069 (Fig. 1) discloses a method for controlling a peripheral consumer electronic device (VCR 14; Camera 10; Fig.1; Col. 4, lines 45-47) interconnected via an IEEE 1394 serial bus 12, 17, 16 to a display device 18 or 19 (Col. 4, lines 48-65+ and Col. 5, lines 35-60) comprising:

transferring (24) the digital video content (Camera 10 or VCR 14 provides stream of video data under play mode) and the digital video data (self-describing information) via the digital IEEE-1394 bus 12, 17, 16 to the display device 18 or 19 whereby the digital video content and the digital video data may be combined and displayed on the display device (Col. 5, lines 39-60 and Col. 10, lines 3-36).

Generating, in the peripheral consumer electronic device, digital video data representative of an OSD menu associated with the peripheral device, the digital video data ("Device Image" in Fig. 3, el. 26 which is part of "self-describing information" represents with icons 60, 64, 68 and 69, as "digital OSD video data" displays on the television. The "Device Image" is generated, stored in ROM 20 within the peripheral device (i.e., camera 10) and transferred to the computer system

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18 for displaying on the TV 19 (Fig. 5) in the form of video data. The Examiner cites Col. 9, lines 14-19 to support "... the icons are the graphical representations obtained by the computer system 18 from the ROM 20 within each device...".

Ludtke' 069 further discloses in one embodiment in which when a (peripheral) device is coupled in a network configuration, which includes only a television 19 without a processor see Col. 7, lines 48-60. In this embodiment, Ludtke' 069 clearly discloses the "Device Image"/self-describing information is in a format (i.e., video) understood by the TV 19 (without a processor) so to be able to display on the TV 19, see Col. 5, lines 3-7, with the less elaborate GUI, i.e., Fig. 5, and through this GUI, the user is then able to control the operation of the device see Col. 5, lines 25-35) being capable of being displayed;

Ludtke' 069 fails to disclose the digital video content and the digital OSD video data are transferring as separate data via the digital bus;

Ludtke' 937 discloses transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus (Col. 19, lines 1-7) in which the OSD display menu is overlaid onto the video content prior to being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 069 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught by Ludtke' 937 so to overcome cost of production for digital device while providing

high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Regarding claim 14, Regarding claim 12, Ludtke' 069 discloses a display device (Fig. 1, el. 18 or 19) comprising:

Means (I/O busses 12, 16 and 17; Fig. 1) for communicating with a peripheral device (to other devices) interconnected by a digital bus (1394 network);

Means (Computer 18 or TV 19) for receiving digital video content via the IEEE 1394 bus;

Means (TV 19 without processor) for receiving, from the peripheral device, digital video data (less elaborate video graphical user interface stored in memory 20, el. 26) representative of an on-screen display menu associated with peripheral device (Col. 7, lines 54-60) via the IEEE-1394 bus, the digital data being capable of being displayed (see Fig. 5); and

Means (TV 19) for combining and displaying the combined digital video data and the digital video content to generate a combined video image (TV 19 must combine the digital video data and the digital video content in order to generate a combined video image and to display it, as disclosed; see Fig. 5-9).

Means (TV 19) for displaying the combine video image (Fig. 5-9).

Ludtke' 069 fails to disclose the digital video content and the digital OSD video data being received as separate data via the digital bus;

Ludtke' 937 discloses transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus (Col. 19, lines 1-7) in which the OSD display menu is overlaid onto the video content prior to being displayed on the display device (Col. 11, lines 13-35; Col. 12, lines 39-45; Col. 19, lines 32-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludtke' 069 for transferring digital video content and the digital video data (OSD) as separate data via the IEEE 1394 bus, as taught by Ludtke' 937 so to overcome cost of production for digital device while providing high-bandwidth graphics to the display device, as suggested by Ludtke' 937, Col. 4, lines 14-30.

Claim 15, Ludtke' 937 further discloses wherein the step of transferring the digital video data (OSD) via the serial bus utilizes an isochronous transfer mechanism of the serial bus (Col. 11, lines 13-22).

Claim 16, wherein the digital video data representative of the OSD menu is received from the peripheral device using an asynchronous transfer mechanism of the IEEE-1394 serial bus (Ludtke' 937; Col. 11, lines 30-35).

4. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al. (US 6421069) in view of over Ludtke et al. (US 6593937), and further in view of P1394 Draft 8.0v2 (previously cited).

Regarding claim 10, Ludtke' 069 further discloses

Receiving control information in response to a user initiated command, the control information controlling operating modes of the peripheral consumer electronic device (Col. 10, lines 2-36);

Navigating the menu in the peripheral device in response to the control information (selecting and dragging the camera 60 into the 1st subpane 72 as a source device for transmitting data; selecting and dragging the VCR64 into the 2nd subpane 72 as a sink device for transmitting data Col. 9, lines 43-55), wherein the step of navigating comprises updating the digital data (for each selecting and dragging operation, the 1st and 2nd subpane are updated); and

Transferring the updated digital data (the 1st subpane 72 is updated with graphical representation 80 and available control functions 81. 2nd subpane 74 is updated with graphical representation 84 and available control functions 85 in response to the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+) to the display device.

As to limitation "providing to said display device a second message comprising the location and size of the updated digital data" is further obvious over P1394 Draft 8.0v2 by its function control protocol (FCP) in which the peripheral device transmits a control command and response by asynchronous packet for each Asynchronous operation (read/write request or "message"); see P1394 Draft 8.0v2 pages 151-179. The structure of the FCP frame packet is updated (2nd message for each control command and response between devices) accordingly with its location (Source ID) and updated size of the digital data (Data Length) for each operation, as

shown by P1394 Draft 8.0v2 pages 175-177. Therefore, it would have been obvious to one of ordinary skill in the art to claim the use of asynchronous protocol for communication between devices so to take the advantage of the IEEE-1394 communication protocol standard defined by IEEE-1394 such as saving cost and furthermore carrying simultaneously Video and data over the same serial bus at high speed transmission.

Regarding claim 17, As to "wherein the means for receiving digital video data includes means for receiving a message indicative of the availability of the digital video data representative of the OSD menu via the asynchronous transfer mechanism of the IEEE-1394 serial bus" is further obvious and met by standard IEEE-1394 communication protocol because P1394 Draft 8.0v2 (pages 151-179) discloses that utilizing an asynchronous transfer mechanism of the serial bus and controlling the equipments connected to IEEE-1394 serial bus is done by function control protocol (FCP) in which the peripheral device transmits a control command and response by asynchronous packet. The structure of the FCP frame (the read/write request for data block packet or message) in the asynchronous data transmission mode of IEEE-1394 comprises the location (Source ID) and size of the digital data (Data Length) in a memory device associated with the peripheral device as shown by P1394 Draft 8.0v2 (Read request, page 154, Fig. 6-8 and page 157, Fig. 6-12 and Write request, page 158, Fig. 6-13). Therefore, it would have been obvious to one of ordinary skill in the art to claim the use of asynchronous protocol

for communication between devices so to take the advantage of the IEEE-1394 communication protocol standard defined by IEEE-1394 such as saving cost and furthermore carrying simultaneously Video and data over the same serial bus at high speed transmission.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
05/12/2006


HAI TRAN
PRIMARY EXAMINER